

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

OPTIS WIRELESS TECHNOLOGY, LLC  
ET AL,

Plaintiffs,

vs.

Case No. 2:17-cv-0123-JRG-RSP

HUAWEI TECHNOLOGIES CO. LTD  
ET AL

Defendants.

**OPPOSED MOTION FOR HEARING ON ISSUES RAISED IN  
BENCH TRIAL BRIEFING**

COME NOW Defendants Huawei Technologies Co. Ltd., Huawei Device USA, Inc., and Huawei Device Co., Ltd., and hereby file this Opposed Motion for Hearing on Issues Raised in Bench Trial Briefing and in support thereof would show the Court the following:

**I.**

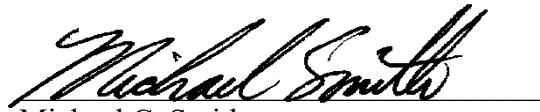
By order dated August 30, 2018 (Docket #317) the Court directed the parties to file motions for ongoing royalty, enhanced damages, interest and for entry of judgment, to return to mediation, and set a hearing on the ongoing royalty issues if necessary. As the case has not settled (though mediation continues), and the parties are not in agreement on the issues raised in the post-verdict briefing concerning motions for ongoing royalty, enhanced damages, interest and for entry of judgment Huawei submits that a hearing on these issues remains necessary.

The reason for this motion is that the Court subsequently required briefing on the issues addressed at the bench trial. Huawei submits that it would be helpful for the parties to address the issues raised in the bench trial briefing at the previously scheduled November 14 hearing, and accordingly asks that the Court add those issues to the hearing. In particular, on October 23, 2018 a court in the United Kingdom published a decision in the litigation between Unwired Planet and

Huawei. Huawei was not able to address that decision in its October 23, 2018 Reply Brief (Dkt. 359), while PanOptis did address the decision in its October 30, 2018 Sur-Reply (Dkt. 361). The hearing will provide a chance for Huawei to address that decision and PanOptis' arguments based on it.

Dated: November 6, 2017

Respectfully submitted,



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COUNSEL FOR DEFENDANTS  
HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., AND  
HUAWEI DEVICE CO., LTD.

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for Huawei and PanOptis conferred on this motion on November 5, 2018. PanOptis counsel stated its position as follows, and has requested that Huawei include the following statement in this Certificate of Conference: "PanOptis opposes Huawei's proposed motion. The Court has specified the scope of the November 14, 2018, hearing, and PanOptis does not believe that a more expansive hearing is necessary. PanOptis believes the parties should await the Court's direction as to whether the Court would find a broader hearing useful."



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Michael C. Smith

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this the 6<sup>th</sup> day of November, 2018. Any other counsel of record will be served by facsimile transmission and/or first-class mail.



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Michael C. Smith